

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK,

Plaintiff,

-v-

CHAD F. WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1127 (JMF)

R. L'HEUREUX LEWIS-MCCOY et al., *on behalf of
themselves and all similarly situated individuals*,

Plaintiffs,

-v-

CHAD WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1142 (JMF)

PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. All law-enforcement privileged information contained in the Administrative Record for which the Court ordered disclosure, Dkt. No. 62 at 9–10, shall be deemed Protected Information. This includes all information designated as law-enforcement privileged on Administrative Record pages DHSGLL 052 and 054–061, with the exception of “Section 5.10” on DHSGLL 061, which the Court did not order to be disclosed. *See* Dkt Nos. 62, 68 at 10.
2. Protected Information may be used only for the purpose of litigating *New York v. Wolf*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.), and *Lewis-McCoy v. Wolf*, No. 20 Civ. 1142 (JMF) (S.D.N.Y.) (together, the “TTP Litigation”).

3. No person shall be permitted to have access to the Protected Information, nor shall any person be informed of the substance of the Protected Information by any person permitted to have access thereto, except as provided in this Order, as otherwise agreed upon by the parties in writing, or by further order of the Court.
4. Protected Information shall not be disclosed or distributed to any person or entity other than the following:
 - a. the attorneys for parties to the TTP Litigation (including their paralegal, clerical, or other assistants);
 - b. as to any document, its author, its addressee, and any other person indicated on the face of the document having received a copy;
 - c. any person serving as an expert witness or otherwise providing specialized advice to counsel in connection with the TTP Litigation;
 - d. the courts and their support personnel in the TTP Litigation.

The parties agree that the categories of persons listed above are subject to modification when and if the TTP Litigation enters discovery.

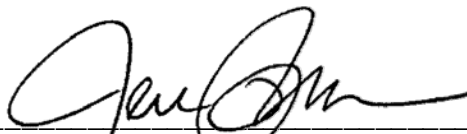
5. To the extent that Protected Information is disclosed to persons described in subparagraph 4(c), they shall be provided with a copy of this Protective Order and restricted to using Protected Information only for purposes directly related to the TTP Litigation. Protected Information shall not be disclosed to any person or persons described under this subparagraph unless and until such person has been shown this Protective Order and has agreed in writing to be bound by its terms, by signing a copy of the attached Acknowledgment form. A copy of each executed Acknowledgment

shall be kept by counsel for the party on behalf of which disclosure is made, and provided to counsel for defendants with ten days of its execution.

6. The termination of the TTP Litigation shall not relieve any person or party provided Protected Information of his, her, or its obligations under this Order.
7. All Protected Information that is filed with any court, and any pleadings, motions, exhibits, or other papers filed with the court, referencing or containing Protected Information, shall be filed under seal and kept under seal until further order of the court. A redacted version of all such filings will be filed on the public docket.
8. Within 60 days of the resolution of the TTP Litigation by settlement or final judgment, and the termination of any appeals therefrom, all Protected Information, and copies thereof, shall be promptly destroyed, provided that counsel may retain one complete set of any such materials that were presented in any form to the Court. Any such retained materials marked "Protected Information Subject to Protective Order" along with a copy of this Order.
9. Entry of this Order shall not prohibit the United States or any agency, department, officer, or employee thereof from using or disclosing Protected Information for any other purposes authorized by law. Entry of this Order does not prohibit subsequent disclosure of Protected Information directly to defendants or to counsel for defendants.

SO ORDERED:

Dated: New York, New York
June 16, 2020


HONORABLE JESSE M. FURMAN
United States District Judge

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ACKNOWLEDGMENT OF PROTECTIVE ORDER

The undersigned hereby declares under penalty of perjury that he or she has read the Protective Order entered in the United States District Court for the Southern District of New York in the above-captioned action, understands its terms, and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned agrees not to use or disclose any Protected Information made available to him or her other than in strict compliance with the Order. The undersigned acknowledges that his or her duties under the Order shall survive termination of this case and are permanently binding, and that failure to comply with the terms of the Order may result in the imposition of sanctions by the Court.

[Date]

[Print name]

[Signature]